

**City of Hurst
City Council Minutes
Tuesday, November 8, 2016**

On the 8th day of November 2016, at 6:30 p.m., the City Council of the City of Hurst, Texas, convened in Regular Meeting at City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Richard Ward	)	Mayor
Larry Kitchens	)	Mayor Pro Tem
Bill McLendon	)	Councilmembers
Henry Wilson)	
Nancy Welton)	
David Booe)	
Trasa Cobern)	
Clay Caruthers	)	City Manager
John Boyle	)	City Attorney
Allan Heindel	)	Deputy City Manager
Rita Frick	)	City Secretary
Greg Dickens	)	Executive Director of Public Works
Clayton Fulton	)	Executive Director of Fiscal Service
Steve Bowden	)	Executive Director of Development
Matia Messemer	)	Executive Director of Human Resources
Malaika Farmer Marion	)	Executive Director of Administrative Services
Michelle Lazo	)	Managing Director of Development
Stephen Moore	)	Police Chief
Duane Hengst	)	City Engineer
Vince King	)	Building Official
Sunny Patel	)	Director of Information Technology
Kyle Gordan	)	Managing Director Community Services
Richard Clark	)	Senior Building Inspector
Carol Gilstrap	)	Building Inspector
Jeff O'Dell	)	Building Inspector
Dennis Diederich	)	Senior Building Inspector
Sandra Volkart	)	Permit Technician
Virginia Villabos	)	Permit Technician

With the following Councilmembers absent: none, constituting a quorum; at which time, the following business was transacted:

The meeting was called to order at 6:30 p.m.

Councilmember Kitchens gave the Invocation.

The Pledge of Allegiance was given.

PRESENTATION(S)

1. Presentation of Proclamation recognizing National Animal Shelter Appreciation Week. Councilmember Trasa Cobern read and presented the Proclamation recognizing National Animal Shelter Appreciation Week to Police Lieutenant Jim Pell, who introduced Animal Control personnel and thanked them for their service. Councilmembers expressed appreciation for the employees and their passion for service.

CONSENT AGENDA

2. Considered approval of the minutes for the October 25, 2016 City Council meetings.
3. Considered Ordinance 2340, second reading, amending the City of Hurst Code of Ordinances, Chapter 10, adding Article VI Junked Vehicles; repealing conflicting ordinances and declaring junked vehicles to be a public nuisance.
4. Considered Ordinance 2341, second reading, amending the City of Hurst Code of Ordinances, Chapter 24, Section 24-21 View and Passage Obstructions, declaring low lying branches and shrubs to be a public nuisance.
5. Considered Ordinance 2342, second reading, amending the City of Hurst Code of Ordinances, adding Section 10-80.5 "Dead Trees", declaring dead trees to be a public nuisance.
6. Considered Ordinance 2343, first reading, to provide City of Hurst Texas Municipal Retirement System (TMRS) service retirees with a COLA.
7. Considered Ordinance 2344, first reading, concerning changes to school speed limit zone times in the City of Hurst.
8. Considered Ordinance 2345, first reading, accepting the conveyance of a remnant parcel of land described as Lot 1, Block 7, Oakwood Park East Addition, from the Scott R. Davidson Estate, and authorizing the conveyance of subject tract to Jacqi Powell, the owner of the contiguous property known as Lot 2, Block 7, Oakwood Park East.
9. Considered Resolution 1658 supporting a Municipal Setting Designation application to TCEQ for the property at 711 West Hurst Boulevard.
10. Considered Resolution 1659 supporting a Municipal Setting Designation application to TCEQ for the properties in Richland Hills, Texas, at 6700 Baker Boulevard, 6750 Baker Boulevard, 3204 Diana Drive, 6700 Rena Drive, 6724 Rena Drive, and adjacent city rights-of-way on Diana Drive, Rena Drive, Matthews Drive, and Rufe Snow Drive.
11. Considered authorizing the city manager to enter into an agreement with Visual Computer Solutions (VCS) through SHI Government Solutions for time collection and scheduling for all City employees.

12. Considered authorizing the city manager to purchase (3) three vehicles and (2) two tractors from approved vendors.

Councilmember Wilson moved to pass the consent agenda. Motion seconded by

Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

PUBLIC HEARING(S) AND RELATED ITEM(S)

13. Conducted a Public Hearing to consider Z-16-04 Sandstone Cove, a zoning change from R-1 to R1-PD with a concept plan for Lot A and B, Block 11, Wintergreen Acres and Tract 4B John H. Duncan Survey, being 10.42 acres located at 600 Heneretta and 600 Taylor Court.

Mayor Ward announced a public hearing to consider Z-16-04 Sandstone Cove, a zoning change from R-1 to R1-PD with a concept plan for Lot A and B, Block 11, Wintergreen Acres and Tract 4B John H. Duncan Survey, being 10.42 acres located at 600 Heneretta and 600 Taylor Court, and recognized Managing Director of Development Michelle Lazo who reviewed the proposed rezoning application from single family to a single family planned development. Ms. Lazo stated the site is 10.42 acres known as the Noteboom property. She explained the existing home has been removed and the developer is proposing a 30 single family lot development with home values ranging from \$450,000 to \$500,000. Ms. Lazo reviewed the zoning exhibit, the plan for a large retention area, and noted the Oncor easement will be used as open space.

Mayor Ward recognized applicant Mark Howe, 3100 Terrace Brook Court, Colleyville, Texas, who reviewed the proposed development including the entrance and exits, retention/detention pond and layout of the homes. Mr. Howe stated the existing zoning allows an 8,250 square feet lot and he is requesting 10,099 square feet to the smallest lot of 8,255 square feet. He stated they would save as many trees as possible, and have tried to address area resident concerns regarding the drainage. Mr. Howe explained when the final plat is presented, the trail may be moved from the west side to the east side of the pond and wrought iron fencing installed so the neighbors will be able to see the pond and docks. Mr. Howe stated there will be a Homeowners Association and showed examples possible exterior designs.

Mayor Ward recognized Bridgette Tice, 2865 Hurstview, Hurst, Texas, who stated she is a homeowner that will be affected by the development and thanked Mr. Howe for listening to the homeowners and bringing forward some of the issues discussed at the Planning and Zoning Commission meeting. She thanked Mr. Howe for being open to their concerns and requested the Council listen to the homeowners.

There being no one else to speak, Mayor Ward closed the public hearing.

Councilmember Wilson noted that even though the applicant is showing the proposed layout of the homes, the item tonight is only approval of zoning. He explained the layout could change, and there will be another public hearing when it comes forward as a site plan. Councilmember Wilson also noted that the proposed zoning actually provides Council with more control, which is beneficial to the neighbors. In response to Councilmembers' questions, Mr. Howe stated builders have not been selected, the Homeowners Association will maintain open areas and the pond, and he has tried to address all of the concerns presented by the neighbors at the Planning and Zoning Commission.

14. Considered Ordinance 2346, first reading, to consider Z-16-04 Sandstone Cove, a zoning change from R-1 to R1-PD with a concept plan for Lot A & B, Block 11 Wintergreen Acres and Tract 4B John H. Duncan Survey, being 10.42 acres located at 600 Heneretta and 600 Taylor Court.

Councilmember McLendon moved to approve Z-16-04 Sandstone Cove, a zoning change from R-1 to R1-PD with a concept plan for Lot A & B, Block 11, Wintergreen Acres and Tract 4B, John H. Duncan Survey, being 10.42 acres located at 600 Heneretta and 600 Taylor Court and Ordinance 2346. Motion seconded by Councilmember Welton.

In response to Mayor Ward's question, Mr. Howe showed a concept picture of the entrance and stated a decision has not been made regarding a gated community. Councilmember Wilson stated the site plan approval is the Council's controlling document.

Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton

No: None

ORDINANCE(S)

15. Considered Ordinance 2347, first reading, amending Chapter 5 and Chapter 8 of the Hurst Code of Ordinances, pertaining to Building and Fire regulations adopting the 2015 International Codes and the 2014 National Electrical Code.

Mayor Ward recognized Building Official Vince King who noted the adoption of various International Codes is mandated by the state and the adoption of others, is a matter of convenience and consistency for those who will be working with the codes, such as contractors, homeowners or inspectors. Mr. King reviewed the mission statement for the Building Inspection Department and introduced Building Inspection staff Jeff O'Dell, Dennis Diederich, Sandra Volkert, Virginia Villalobos, Richard Clark and Carol Gilstrap. Mr. King expressed his appreciation for his staff and the work they do, and how the codes provide guidance for the inspectors. He stated the codes presented this evening, were a collaborative effort with Fire Department staff Brent Craft and Cameron Flynn, who spent hours with the Building Department staff in preparing the ordinance. Mr. King explained staff had approximately 200 hours of time reviewing the proposed codes. He stated the proposed ordinance will adopt ten codes this evening, with one new code added this year, the Swimming Pool and Spa Code.

In response to Councilmembers questions, Mr. King stated the codes are available on line. Councilmembers expressed their appreciation for staff and the work they perform for the community.

Councilmember Wilson moved to approve Ordinance 2347 adopting the 2015 International Building Code (IBC), 2015 International Fire Code (IFC), 2015 International Residential Code (IRC), 2015 International Energy Conservation Code (IECC), 2015 International Plumbing Code (IPC), 2015 International Fuel Gas Code (IFGC), 2015 International Mechanical Code (IMPC), 2015 Swimming Pool and Spa Code (ISPS), the 2014 National Electrical Code (NEC) with local amendments as presented. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton
No: None

16. Considered Ordinance 2348, first reading, clarifying when inspection of rental units are required.

Building Official Vince King reviewed the proposed amendments to the rental registration ordinance clarifying when an inspection of rental units is required.

Councilmember Cobern moved to approve Ordinance 2348 concerning when rental property inspections are required. Motion seconded by Councilmember Kitchens. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton
No: None

ACTION ITEM(S)

17. Considered authorizing the city manager to enter into a contract with A & M Construction & Utilities, Inc., for the Renovation and Repainting of the Tarrant County College Elevated Storage Tank (TCC EST).

Mayor Ward recognized Executive Director of Public Works Greg Dickens who reviewed the proposed project for renovation and repainting of the Tarrant County College Elevated Storage Tank. He stated staff is recommending A & M Construction & Utilities, Inc., the low bidder. Mr. Dickens stated the company does have previous experience working in the City of Hurst and is being recommended by Deltatek, Inc., who is providing engineering services for the project. He stated funds are budgeted to cover the cost and the recommended contingency of \$40,360.00, for a total of \$656,750.00.

Councilmember Kitchens moved to authorize the city manager to enter into a contract with A&M Construction & Utilities, Inc., for the renovation and repainting of the Tarrant County College Elevated Storage Tank (TCC EST), in the amount of \$616,390.00, with a contingency of \$40,360.00, for a total of \$656,750.00. Motion seconded by Councilmember Welton. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton
No: None

18. Considered authorizing the city manager to proceed with the Chisholm Park Improvements Project Phase II.

Mayor Ward recognized Managing Director of Community Services Kyle Gordan who provided a recap of the Chisholm Park Improvements Project Phase I, and stated the proposed two items for the Phase II project including the retaining wall along the pond, and major structural repairs to the Longhorn and Bluebonnet pavilions. He reviewed the timeline for the project and funding sources. In response to Councilmembers' questions, City Manager Clay Caruthers and staff explained how the Cypress Trees roots would help stabilize the bank, in some areas of the pond, and maintain a natural feel to the area. Mr. Gordon stated the remaining structures were inspected and did not appear to need renovation at this time.

Councilmember McLendon moved to authorize the city manager to proceed with the Chisholm Park Improvements Project, Phase II, for an amount not to exceed \$115,000, with funding from the Half Cent Sales Tax Fund. Motion seconded by Councilmember Welton.

In response to Councilmembers' questions, Mr. Gordon stated other structures were checked and were not suffering the same issues. Staff explained how the Cypress tree roots help stabilize the bank.

Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton
No: None

19. Considered authorizing the city manager to purchase equipment required to re-align soccer fields at the Hurst Athletic Complex.

Mayor Ward recognized Managing Director of Community Services Kyle Gordan who reviewed the athletic field re-alignment and explained the partnership with The Hurst United Soccer Association (HUSA) and the New Player Development Program, which requires field dimensions to be changed to decrease the size of fields. Mr. Gordan explained the most efficient manner to address this need is using portable goals, players' benches, and on-site improvements, such as retaining walls and handrails. Mr. Gordan reviewed the timeline for the project and funding sources. Councilmember Booe noted that one reason the association changed to smaller fields, is to give the smaller kids more touches and have more interest in the game. Councilmember Wilson also noted when the field is smaller it helps develop skills.

Councilmember Booe moved to authorize the city manager to proceed with the Hurst Athletic Complex Field realignment, for an amount not to exceed \$50,000, with funding from the Half Cent Sales Tax Fund. Motion seconded by Councilmember McLendon. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton
No: None

20. Considered authorizing the city manager to enter into contracts to migrate the City's email system.

Mayor Ward recognized Director of Information and Technology Sunny Patel who reviewed the proposed email migration plan from the existing GroupWise system purchased in the 1990's to Microsoft Office Mail (Exchange). He explained that over the years, the Novell Corporation (GroupWise) has lost its dominance in the networking and email market to Microsoft, was recently sold to Microfocus and is no longer being supported. Mr. Patel stated the proposal, along with the move to Exchange, will also include archiving, records retention, attorney holds, email security and spam/virus filtering. He stated the Retain product from GWANA and the cloud based spam filtering system from Cisco offers the best solutions. He stated staff plans to migrate 90 days of email to Exchange and the total estimated cost for the project is \$98,000, which includes a 10 percent contingency.

In response to Councilmembers' questions, Mr. Patel stated the current agreement runs June to June, so the proposal includes a partial year. He stated there is the ability to add additional users, but the more users, the more cost.

Councilmember Kitchens moved to authorize the city manager to enter into contracts to migrate the City's email system, for an amount not to exceed \$98,000. Motion seconded by Councilmember Welton. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton
No: None

OTHER BUSINESS

21. Councilmembers reviewed the following advisory board meeting minutes:
- Library Board Minutes
 - Hurst Senior Citizens Advisory Board
 - Parks and Recreation Board
22. Review of upcoming calendar items – In response to Councilmember Wilson's request, staff stated they will include the John Butler Senior Banquet on the Council's calendar. City Manager Clay Caruthers reviewed the following calendar items:
- Tuesday, November 22, 2016, regular City Council meeting canceled
 - Wednesday, November 23, 2016, City offices close at noon
 - Thursday, November 24, 2016, City offices closed
 - Friday, November 25, 2016, City offices closed
 - Tuesday, November 29, 2016, 5:00 p.m. to 9:00 p.m., Christmas Tree Lighting, Hurst Conference Center
- Mr. Caruthers also noted that the Recreation Center will be closed to the public on November 21, 22 and 23, to resurface the gymnasium floor. He stated the center plans to reopen to the public on Saturday, November 29, 2016. Councilmember Cobern noted the

Taps and Tunes Veteran Event on Friday, November 8, 2016, at the Hurst Conference Center.

23. City Council Reports – Mayor Ward thanked Councilmember Wilson for his hospitality, as the Mayor presented a Proclamation for the Shady Oaks Baptist Church Birthday celebration.

PUBLIC INVITED TO BE HEARD – A REQUEST TO APPEAR CARD MUST BE COMPLETED AND RETURNED TO THE CITY SECRETARY TO BE RECOGNIZED – Mayor Ward recognized Dana Carpenter who expressed his concern regarding the water utility deposit for a new business. Mayor Ward explained that due to the Open Meetings Act, the Council could not enter into discussion, and stated staff will contact him to discuss the concern.

EXECUTIVE SESSION in Compliance With the Provisions of the Texas Open Meetings Law, Authorized by Government Code, Section 551.074, Personnel - (Evaluation of City Council Appointees) and to reconvene in Open Session at the conclusion of the Executive Session

Mayor Ward recessed the meeting at 8:09 p.m. to Executive Session in compliance with the provisions of the Texas Open Meetings Law, authorized by Government code, Section 551.074, Personnel - (Evaluation of City Council Appointees) and reconvened Open Session at 9:30 p.m.

24. Considered and take any and all action ensuing from Executive Session.

Councilmember Kitchens moved to approve the extension of the current contract with City Attorney Boyle and Lowry L.L.P., and approve the 2016 – 2017 tax collection contract and both have no fee increase. Motion seconded by Councilmember Wilson. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton
No: None

Councilmember Kitchens moved to approve the extension of the current contract for Municipal Court Judge Lacy Britten for 2016-2017, with no increase in fees; and to appoint Terri Roberts Pearce as an additional association judge for the municipal court; and not renew the contract for Judge Whiteley, but continue to honor his appointment through May 2018 and continuing to pay his insurance through that period. Motion seconded by Councilmember Wilson. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton
No: None

Councilmember Kitchens moved to approve the city manager's employment contract, which was approved in March 2016 to roll into a new contract period of October 1, 2016 to September 30, 2017, with three adjustments: First, receive, as per the contract agreement, a salary adjustment of three percent for 2016-2017, the same percentage amount offered to other City employees. Recommend the city manager's deferred

compensation be increased from \$10,000 to 12,000 for 2016-2017 in recognition of his excellent performance since being appointed city manager. Third, change language in Section 5.B in city manager's employment contract from "The employer will pay for the employee's portion of the Texas Municipal Retirement System (TMRS) contributions" to read as follows "The employer will provide a base wage adjustment in an amount equivalent to the Employee's portion of the Texas Municipal Retirement System (TMRS) contributions." This change would ensure the employee pay appropriate amount of federal taxes related to the benefit being offered. If approved, the change will be made through a memorandum signed by Mayor Ward in accordance with Section 2.D of the agreement. Motion seconded by Councilmember Booe. Motion prevailed by the following vote:

Ayes: Councilmembers McLendon, Booe, Kitchens, Cobern, Wilson and Welton
No: None

ADJOURNMENT

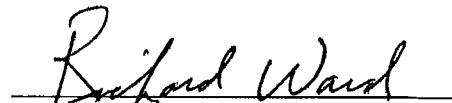
The meeting adjourned at 9:35 p.m.

APPROVED this the 13th day of December 2016.

ATTEST:


Rita L. Frick, City Secretary

APPROVED:


Richard Ward, Mayor